



OFGS File No.: P/16-161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Toshiyuki Toyofuku et al.
Serial No.: 09/096,395
Filed: June 11, 1998
For: DIGITAL CAMERA HAVING A FEATURE FOR WARNING
A USER OF INSUFFICIENT MEMORY (As Amended)

Date: January 28, 2003
Group Art Unit: 2612
Examiner: J.M. Villecco

RECEIVED

Assistant Commissioner for Patent
Washington, DC 20231

FEB 10 2003

Technology Center 2600

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

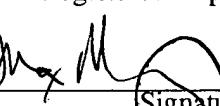
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated December 23, 2002 of the Primary Examiner finally rejecting claims 13-18, 20 and 22-28.

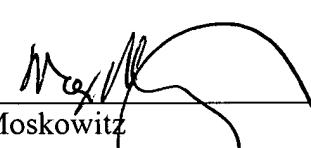
The Appeal Fee (\$320 - Non-Small Entity) is [] enclosed in Check No. 14929.

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700. In the event that the actual Appeal Fee is greater than the payment submitted herewith or is not enclosed, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 28, 2003:

Max Moskowitz
Name of applicant, assignee or
Registered Representative

Signature
January 28, 2003
Date of Signature

Respectfully submitted,


Max Moskowitz
Registration No: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

02/10/2003 CVD111 00000029 09096395

01 FC:1401

320.00 OP

00599306.1